

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:07-CR-06

v.

HON. ROBERT HOLMES BELL

JONATHON KEITH BURKEEN,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #480). The U.S. Probation Officer's Report of Eligibility (docket #481) indicates defendant appeared to be ineligible because cocaine base was not used to determine the base offense level.

Based on this Court's review of defendant's motion and the underlying criminal file, the Court has determined that the motion should be denied for this reason. Defendant's offense level calculation involved powder cocaine and marijuana. Accordingly,

**IT IS HEREBY ORDERED** that the Motion for Modification or Reduction of Sentence is **DENIED** because defendant is not eligible.

DATED: June 9, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE